

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
	:	
	:	18cr749 (DLC)
-v-	:	
	:	<u>ORDER</u>
KEVIN MORA,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

On July 25, 2019, Kevin Mora entered a plea of guilty to one count of conspiring to distribute narcotics in violation of 21 U.S.C. §§ 846, 841(b)(1)(C), and 841(b)(1)(D). Mora was sentenced on November 22, 2019, principally to 46 months' imprisonment. Mora is 32 years old and imprisoned at the Metropolitan Detention Center ("MDC"). The Bureau of Prisons projects that he will be released in March 2022.

On May 27, 2020, Mora's petition to modify or reduce his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A) was denied. On December 4, Mora renewed his petition, again citing the risk of contracting COVID-19 at the MDC. The Government filed an opposition on December 7. Mora filed a reply in further support of his motion on December 10.

Once a petitioner fulfills the statutory exhaustion requirement, the Court may reduce the petitioner's sentence, if


after consideration of the factors set forth in 18 U.S.C. § 3553(a), it finds that "extraordinary and compelling reasons" warrant such a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). As the Court of Appeals for the Second Circuit has explained, in the wake of the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted).

Mora's renewed petition is denied. Mora does not argue that he suffers from a medical condition that puts him at a higher risk of serious complications should he become infected with the coronavirus. Mora's renewed petition does not present the extraordinary and compelling circumstances that would justify a reduction of sentence. Accordingly, it is hereby

ORDERED that Mora's December 4, 2020 motion pursuant to § 3582(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
December 14, 2020



DENISE COTE
United States District Judge